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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,677	06/12/2001	Yesim Erke	END920010025US1	5004

7590 01/22/2004

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EXAMINER

ZEENDER, FLORIAN M

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/879,677

Applicant(s)

ERKE ET AL.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003 and 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 14-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

Claims 1-13 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Peterson et al. '522 in view Feigin et al. '196.

Peterson et al. '522 disclose or inherently teach a method of determining inventory levels of parts for a plurality of stocking locations (i.e., vendors); the method comprising the steps of providing data and request rates (i.e., purchase orders) for a plurality of customer (i.e., end user) locations, unit price, handling costs (Col. 5, line 15), and transportation costs (see Col. 5, line 14) for other vendors and customers.

Peterson et al. '522 lack the teaching of the providing handling costs, travel time, specifying a parts procurement time performance measure and entering the data into a computer program, computing inventory levels using the computer program and ordering to maintain part inventory levels.

Feigin et al. teach a method of determining inventory levels of parts for a plurality of stocking locations (retail locations) including a parts procurement time performance measure (lead time, "L" which includes travel time) and entering the data into a computer program, computing inventory levels using the computer program and ordering to maintain part inventory levels.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Peterson et al. to include a parts procurement time performance measure and entering the data into a computer program, computing inventory levels using the computer program and ordering to maintain part inventory levels, in view of

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Feigin et al., in order to provide a means to more accurately project future inventory levels (See Feigin et al., Col. 1, lines 11-16).

Re claims 3-4: probability distributions are well known in the art of computer programming, and their use would have obvious to one of ordinary skill in the art at the time of the invention, in order to determine certain desired statistics.

Re claims 5 and 20: Feigin et al. teach the claimed parts procurement time performance measure (i.e., See, for example, Col. 10, lines 39-54; specifically "Method 1 estimates the fill rate to be 63% in weeks 6-16").

Re claims 6 and 21: It is common for businesses to group parts by importance to accommodate customers. For example, parts that are "rush orders" would be separated from regular orders. Feigin et al. teach a plurality of times (See Fig. 4; time: weeks 0-16)

Re claims 7 and 22: Peterson et al. teach means for keeping costs low.

Re claims 8 and 11: mixed integer optimization programs are well known in the art of computer programming, and their use would have obvious to one of ordinary skill in the art at the time of the invention, in order to provide certain desired results.

Re claims 9 and 23: It is an obvious business practice to compute inventory levels that maximizes the number of parts transferred at a given cost in order for the business to be as efficient as possible and thus maximize potential profit.

Re claim 10: Shipping companies such as "**FedEx**" provide information with regards to the time of shipping; and to compute this information would have been

obvious to one of ordinary skill in the art at the time of the invention in order to provide the customer with precise delivery times.

### ***Response to Arguments***

Applicant's arguments filed 11/5/03 have been fully considered but they are not persuasive.

On page 11 of the arguments, the applicant states that the lead time of Feigin et al. is for transfer of products between retail locations, and not for transfer of parts to customer locations wherein equipment requiring the parts resides at the customer locations.

Feigin et al., in for example column 5, lines 33-48, discusses lead times for product transfer from a supplier to the warehouse **and further** from the warehouse to retail locations. The retail locations could be interpreted to be the customer locations having equipment requiring parts. For example, many auto dealerships are retailers that may order specific components/parts from suppliers to perform repairs under warrantee or on recall. In this case, the retailer is the supplier's "customer".

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

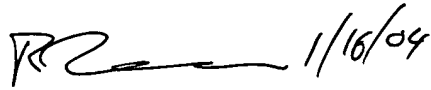
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

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The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for before-final communications.

A handwritten signature in black ink, appearing to be 'F. Zeender', followed by the date '1/16/04'.

F. Zeender

Patent Examiner, A.U. 3627

January 16, 2004